

ATTACHMENT A

RULES AND REGULATIONS OF THE STATE BAR OF CALIFORNIA Article I. Classes of Membership – Annual Membership Fees and Penalties Section 7. Wavier of Annual Membership Fees and Penalties

A. Any member, or any member's legal representative, spouse, or other person familiar with the pertinent facts, may request a waiver of payment of the member's annual membership fee and/or penalties by submitting an application in a form satisfactory to the secretary or designee and shall bear the burden of documenting good cause in support of such request.

B. Waivers shall be considered separately for each calendar year. The secretary or designee shall grant a request to continue a waiver into a subsequent calendar year upon a showing satisfactory to the secretary or designee that those facts upon which the waiver for the preceding year was granted still obtain. Multiple-year retro-active waivers may be granted only by the Board Committee on Member Oversight or its designee or successor.

C. The following shall constitute good cause for the secretary or designee to waive the payment of the annual membership fee and/or penalties by a member:

(1) A member is on inactive status and is in either "poor financial condition" or "poor medical condition," as herein defined.

(a) "Poor medical condition." This term, as used in these rules, shall mean either a (i) physical and/or (ii) mental condition which prevents or greatly impairs the member from pursuing a livelihood for the year the waiver is requested.

(b) "Poor financial condition." This term, as used in these rules, shall mean that the income of the member from all sources does not exceed \$20,000 annually for the year the waiver is requested.

(2) A member is a retired judge who is assigned by the Chief Justice pursuant to [article VI, section 6, Constitution of California](#), for a minimum of 90% of the calendar year to and including the date of the application and such assignments are expected to continue at least at that rate.

(3) Objective and reasonably certain evidence is present that a member is deceased.

(4) Staff error has caused the member to incur the fee assessment sought to be waived.

(5) The fee assessment sought to be waived is a penalty that is less than \$100.00 and is due to excusable inadvertence as herein defined under Article I, section 9 of these Rules.

(6) The member is inactive and attained the age of 70 years or more in the preceding calendar year.

(7) The member serves full time as a Federal Magistrate Judge, a California Court

Commissioner, a California Court Referee, a U.S. Appellate Court Commissioner, or in another capacity to which the member is appointed by state or federal courts of record to perform judicial functions. The member seeking such a waiver must submit a written request for waiver by February 1st of the membership year, which shall remain in effect until the member provides written notice within thirty (30) days of the expiration or cessation of his or her judicial status justifying the waiver of fees.

D. A member whose request for waiver of annual membership fees and/or penalties has been denied by the secretary or designee shall have the right to request the Board Committee on Member Oversight or its designee or successor to review such denial. In order for such a request to be considered during the current billing year, the request must be received in the State Bar office on or before June 15th. Any request received after June 15th will be considered in due course; however, there will be no abeyance period while the determination is pending and all outstanding fees and/or penalties will remain due and owing. Non-payment of these fees and/or penalties may result in the member's suspension.

E. The Board Committee on Member Oversight or its designee or successor shall consider the pertinent facts in determining whether there is good cause to grant a waiver request, including, without limitation, those presented by or on behalf of the member, the public purpose served by the fee and/or penalty and, in the case of an active member, his or her eligibility for inactive membership and physical and mental ability to execute the documents necessary for enrollment as an inactive member and the likelihood of enrollment as such a member pursuant to [section 6007 of the Business and Professions Code](#). In considering whether to renew a waiver submitted to it for a subsequent calendar year, the Board Committee on Member Oversight or its designee or successor may consider the facts pertinent to a renewal, including, without limitation, those presented by or on behalf of the member, those specified in the preceding paragraph, the facts which constituted good cause for the waiver granted to the member for the preceding calendar year, and the probability that those facts have materially changed in the interim.

F. In applying the good cause standard, the Board Committee shall be mindful of the important public policy supporting the assessment of membership fees and/or penalties and that waivers of or exceptions to this public policy should be granted in very limited circumstances, where substantial justification is presented and where the requesting member has not contributed to the asserted need for the exception in any material way. Waivers of disciplinary costs awarded under [Business and Professions Code Section 6086.10](#), monetary sanctions awarded under [Business and Professions Code Section 6086.13](#), Client Security Fund disbursements and costs recouped under [Business and Professions Code Section 6140.5](#), mandatory fee arbitration award penalties and costs under [Business and Professions Code Section 6203\(d\)\(3\)](#), Minimum Continuing Legal Education (MCLE) noncompliance or reinstatement penalties under [Business and Professions Code Section 6070](#) and the State Bar's MCLE Rules and Regulations which may have been added to the membership fee assessment shall not be waived under these rules.

G. In reviewing requests arising under Paragraph D above, the Board Committee and/or the Board of Governors shall consider waiver requests under \$1,000 per member on a consent agenda or equivalent basis. Waiver requests of \$1,000 or more per member shall be agendaized for individual action. Once waivers granted by the Board and/or

Board Committee under Paragraph D in any fiscal year total \$50,000, all further requests warranting Board or Board Committee review shall be agendaized for individual Board action.